

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED SPECIALTY INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:21-CV-00244-HAB-SLC
)	
FAST FREIGHT FORWARDING INC., et al.,)	
)	
Defendants.)	

OPINION AND ORDER

On June 23, 2021, Plaintiff filed a complaint against Defendants, alleging that the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (ECF 1). The complaint recites, among other things, that Defendant Barbara Sweeney, Administratrix of the estate of Michael E. Sweeney, deceased, “is domiciled in the State of Ohio.” (*Id.* ¶ 5).

Plaintiff’s jurisdictional allegations with respect to Defendant Barbara Sweeney, Administratrix of the estate of Michael E. Sweeney, deceased, are inadequate. As the party seeking to invoke federal diversity jurisdiction, Plaintiff bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop’n Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997).

Under 28 U.S.C. § 1332(c)(2), “the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent.” *See also Gustafson v. zumBrunnen*, 546 F.3d 398, 400-01 (7th Cir. 2008) (noting that the federal diversity statute treats the legal representative of a decedent’s estate as a citizen of the same state as the decedent); *accord Hunter v. Amin*, 583 F.3d 486, 491-92 (7th Cir. 2009). Therefore, the Court must be informed of the domicile of the decedent Michael Sweeney at the time of his death, and in turn,

the citizenship of the estate of Michael Sweeney. The domicile of Barbara Sweeney, individually, is irrelevant for purposes of determining diversity jurisdiction.

Plaintiff is ORDERED to file on or before July 21, 2021, a supplemental jurisdictional statement that properly alleges the citizenship of all the parties.

SO ORDERED.

Entered this 7th day of July 2021.

/s/ Susan Collins

Susan Collins

United States Magistrate Judge